



General Assembly

January Session, 2007

**Committee Bill No. 5676**

LCO No. 4855

\*04855HB05676JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING CHILDREN OF FAMILIES WITH SERVICE NEEDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-149 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) Any selectman, town manager, police officer or welfare  
4 department of any town, city or borough, any probation officer [.] or  
5 superintendent of schools, the Commissioner of Children and Families,  
6 any child-caring institution or agency approved or licensed by the  
7 Commissioner of Children and Families, any youth service bureau, a  
8 parent or foster parent of a child, or a child or [his] the child's  
9 representative or attorney, who believes that the acts or omissions of a  
10 child are such that [his] the child's family is a family with service  
11 needs, may file a written complaint setting forth those facts with the  
12 [superior court] Superior Court which has venue over [that] the  
13 matter.

14 (b) The court shall refer a complaint filed under subsection (a) of  
15 this section to a probation officer, who shall promptly determine

16 whether it appears that the alleged facts, if true, would be sufficient to  
17 meet the definition of a family with service needs, provided a  
18 complaint alleging that a child is a truant or habitual truant shall not  
19 be determined to be insufficient to meet the definition of a family with  
20 service needs solely because it was filed during the months of April,  
21 May or June. If such probation officer so determines, [he] the probation  
22 officer shall, after an initial assessment, promptly [either (1) refer the  
23 matter, with the consent of the child and his parents or guardian, to a  
24 suitable community-based or other service provider, or (2)] refer the  
25 child and the child's family to a suitable community-based program or  
26 other service provider, or to a family support center as provided in  
27 section 2 of this act, for voluntary services. If the child and the child's  
28 family are referred to a community-based program or other service  
29 provider and the person in charge of such program or provider  
30 determines that the child and the child's family can no longer benefit  
31 from its services, such person shall refer the child and the child's  
32 family to the probation officer, who shall, after an appropriate  
33 assessment, either refer the child and the child's family to a family  
34 support center for additional services or determine not to file a petition  
35 with the court under subsection (c) of this section. If the child and the  
36 child's family are referred to a family support center and the person in  
37 charge of the family support center determines that the child and the  
38 child's family can no longer benefit from its services, such person shall  
39 refer the child and the child's family to the probation officer, who may  
40 file a petition with the court in the manner prescribed in subsection (c)  
41 of this section. [In either case, the] The probation officer shall inform  
42 the complainant in writing of [his] the probation officer's action under  
43 this subsection. If it appears that the allegations are not true, or that the  
44 child's family does not meet the definition of a family with service  
45 needs, the probation officer shall inform the complainant in writing of  
46 such finding. [In any case in which the probation officer does not file a  
47 petition, he shall also inform the complainant of the right of such  
48 person to file a petition pursuant to subsection (c) of this section. Any  
49 person who has filed a complaint pursuant to subsection (a) of this

50 section, and who has been notified by a probation officer that such  
51 officer does not intend to file a petition for a family with service needs  
52 may, within thirty days after mailing of such notice, file a petition  
53 under subsection (c) of this section.]

54 (c) A petition alleging that a family constitutes a family with service  
55 needs shall be verified and filed with the Superior Court which has  
56 venue over the matter. The petition shall set forth plainly: (1) The facts  
57 which bring the child within the jurisdiction of the court; [.] (2) the  
58 name, date of birth, sex and residence of the child; [.] (3) the name and  
59 residence of [his] the child's parent or parents, guardian or other  
60 person having control of [him,] the child; and (4) a prayer for  
61 appropriate action by the court in conformity with the provisions of  
62 this section.

63 (d) When a petition is filed under subsection (c) of this section, the  
64 court may issue a summons to the child and [his] the child's parents,  
65 guardian or other person having control of [him] the child to appear in  
66 court at a specified time and place. The summons shall be signed by a  
67 judge or by the clerk or assistant clerk of the court, and a copy of the  
68 petition shall be attached to it. Whenever it appears to the judge that  
69 orders addressed to an adult, as set forth in section 46b-121, are  
70 necessary for the welfare of such child, a similar summons shall be  
71 issued and served upon such adult if he or she is not already in court.  
72 Service of summons shall be made in accordance with section 46b-128.  
73 The court may punish for contempt, as provided in section 46b-121,  
74 any parent, guardian or other person so summoned who fails to  
75 appear in court at the time and place so specified. If a petition is filed  
76 under subsection (c) of this section alleging that a family is a family  
77 with service needs because a child is a truant or habitual truant, the  
78 court may not dismiss such petition solely because it was filed during  
79 the months of April, May or June.

80 (e) When a petition is filed under subsection (c) of this section  
81 alleging that a family constitutes a family with service needs because it

82 includes a child who has been habitually truant, the court shall order  
83 that the local or regional board of education for the town in which the  
84 child resides, or the private school in the case of a child enrolled in a  
85 private school, shall cause an educational evaluation of such child to  
86 be performed if no such evaluation has been performed within the  
87 preceding year. Any costs incurred for the performance of such  
88 evaluation shall be borne by such local or regional board of education  
89 or such private school.

90 (f) If it appears from the allegations of a petition or other sworn  
91 affirmations that there is: (1) A strong probability that the child may do  
92 something that is injurious to himself prior to court disposition; (2) a  
93 strong probability that the child will run away prior to the hearing; or  
94 (3) a need to hold the child for another jurisdiction, a judge may vest  
95 temporary custody of such child in some suitable person or agency. No  
96 nondelinquent juvenile runaway from another state may be held in a  
97 state-operated detention home in accordance with the provisions of  
98 sections 46b-151 to 46b-151g, inclusive, Interstate Compact on  
99 Juveniles. A hearing on temporary custody shall be held not later than  
100 ten days after the date on which a judge signs an order of temporary  
101 custody. Following such hearing, the judge may order that the child's  
102 temporary custody continue to be vested in some suitable person or  
103 agency. Any expenses of temporary custody shall be paid in the same  
104 manner as provided in subsection (b) of section 46b-129.

105 (g) If a petition is filed under subsection (c) of this section and it  
106 appears that the interests of the child or the family may be best served,  
107 prior to adjudication, by a referral to community-based or other  
108 services, the judge may permit the matter to be continued for a  
109 reasonable period of time not to exceed [three months] one year. If it  
110 appears at the conclusion of the continuance that the matter has been  
111 satisfactorily resolved, the judge may dismiss the petition.

112 (h) If the court finds, based on clear and convincing evidence, that  
113 the family of a child is a family with service needs, the court may, in

114 addition to issuing any orders under section 46b-121; [, (1) refer] (1)  
115 Refer the child to the Department of Children and Families for any  
116 voluntary services provided by said department or, if the family is a  
117 family with service needs solely as a result of a finding that a child is a  
118 truant or habitual truant, to the authorities of the local or regional  
119 school district or private school for services provided by such school  
120 district or such school, which services may include summer school, or  
121 to community agencies providing child and family services; (2)  
122 [commit that child to the care and custody of the Commissioner of  
123 Children and Families for an indefinite period not to exceed eighteen  
124 months; (3)] order the child to remain in [his] the child's own home or  
125 in the custody of a relative or any other suitable person (A) subject to  
126 the supervision of a probation officer, or (B) in the case of a family  
127 which is a family with service needs solely as a result of a finding that  
128 a child is a truant or habitual truant, subject to the supervision of a  
129 probation officer and the authorities of the local or regional school  
130 district or private school; [or (4)] (3) if the family is a family with  
131 service needs as a result of the child engaging in sexual intercourse  
132 with another person and such other person is thirteen years of age or  
133 older and not more than two years older or younger than such child,  
134 (A) refer the child to a youth service bureau or other appropriate  
135 service agency for participation in a program such as a teen pregnancy  
136 program or a sexually transmitted disease program, and (B) require  
137 such child to perform community service such as service in a hospital,  
138 an AIDS prevention program or an obstetrical and gynecological  
139 program; or (4) upon a finding that there is no less restrictive  
140 alternative, commit the child to the care and custody of the  
141 Commissioner of Children and Families for an indefinite period not to  
142 exceed eighteen months. If the court issues any order which regulates  
143 future conduct of the child, parent or guardian, the child, parent or  
144 guardian, shall receive adequate and fair warning of the consequences  
145 of violation of the order at the time it is issued, and such warning shall  
146 be provided to the child, parent or guardian, to his or her attorney and  
147 to his or her legal guardian in writing and shall be reflected in the

148 court record and proceedings.

149 (i) (1) The Commissioner of Children and Families may petition the  
150 court for an extension of a commitment under this section on the  
151 grounds that an extension would be in the best interest of the child.  
152 The court shall give notice to the child and [his] the child's parent or  
153 guardian at least fourteen days prior to the hearing upon [that] such  
154 petition. The court may, after hearing and upon finding that such  
155 extension is in the best interest of the child and that there is no less  
156 restrictive alternative, continue the commitment for an additional  
157 indefinite period of not more than eighteen months. (2) The  
158 Commissioner of Children and Families may at any time petition the  
159 court to discharge a child [,] committed under this section, and any  
160 child committed to the commissioner under this section, or the parent  
161 or guardian of such child, may at any time but not more often than  
162 once every six months petition the court which committed the child to  
163 revoke such commitment. The court shall notify the child, [his] the  
164 child's parent or guardian and the commissioner of any petition filed  
165 under this subsection, and of the time when a hearing on such petition  
166 will be held. Any order of the court made under this subsection shall  
167 be deemed a final order for purposes of appeal, except that no bond  
168 shall be required [nor] and no costs shall be taxed on such appeal.

169 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) For the purposes of this  
170 section, "family support center" means a community-based service  
171 center for children and families against whom a complaint has been  
172 filed with the Superior Court under section 46b-149 of the general  
173 statutes, as amended by this act, that provides multiple services, or  
174 access to such services, for the purpose of preventing such children  
175 and families from having further involvement with the court as  
176 families with service needs.

177 (b) The Court Support Services Division shall contract with private  
178 providers to develop a network of family support centers. Each family  
179 support center shall provide, or ensure access to, appropriate services

180 that shall include, but not be limited to, screening and assessment,  
181 crisis intervention, family mediation, educational evaluations and  
182 advocacy, mental health treatment and services, including gender  
183 specific trauma treatment and services, resiliency skills building,  
184 access to positive social activities, short-term respite care and access to  
185 services available to children in the juvenile justice system.

186       Sec. 3. (NEW) (*Effective October 1, 2007*) (a) When a child whose  
187 family has been adjudicated as a family with service needs in  
188 accordance with section 46b-149 of the general statutes, as amended by  
189 this act, violates any valid order which regulates future conduct of the  
190 child made by the court following such an adjudication, a probation  
191 officer, on receipt of a complaint setting forth facts alleging such a  
192 violation, or on the probation officer's own motion on the basis of his  
193 or her knowledge of such a violation, may file a petition with the court  
194 alleging that the child has violated a valid court order and setting forth  
195 the facts claimed to constitute such a violation. Upon a finding by the  
196 court that the child has violated a valid court order and that there is no  
197 less restrictive alternative, the court may enter an order that directs or  
198 authorizes placement of the child in a staff-secure facility under the  
199 auspices of the Court Support Services Division or commitment of the  
200 child to the Department of Children and Families.

201       (b) When a child whose family has been adjudicated as a family  
202 with service needs in accordance with section 46b-149 of the general  
203 statutes, as amended by this act, is believed to be at risk of immediate  
204 physical harm from the child's surroundings or other circumstances, a  
205 probation officer, on receipt of a complaint setting forth facts alleging  
206 such risk, or on the probation officer's own motion on the basis of his  
207 or her knowledge of such risk, may file a petition with the court  
208 alleging that the child is at risk of immediate physical harm and setting  
209 forth the facts claimed to constitute such risk. Upon a finding by the  
210 court that the child is at risk of immediate physical harm from the  
211 child's surroundings or other circumstances and that there is no less  
212 restrictive alternative, the court may enter an order that directs

213 placement of the child in a staff-secure facility under the auspices of  
214 the Court Support Services Division.

215 (c) No child shall be held prior to a hearing on a petition under this  
216 section for more than twenty-four hours, excluding Saturdays,  
217 Sundays and holidays. For the purposes of this section, "staff-secure  
218 facility" means a residential facility that is adequately staffed twenty-  
219 four hours a day, seven days a week, to ensure the safety of residents  
220 without the need for locked doors and windows, and from which  
221 residents shall not be physically prevented from leaving.

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|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                        |             |
| Section 1   | <i>October 1, 2007</i> | 46b-149     |
| Sec. 2  | <i>October 1, 2007</i> | New section |
| Sec. 3  | <i>October 1, 2007</i> | New section |

***Statement of Purpose:***

To revise requirements for proceedings concerning families with service needs and to require the establishment of family support centers to provide services for children and families against whom a family with service needs complaint has been filed.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: REP. HAMM, 34th Dist.

H.B. 5676